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Attorneys for Defendants
TLC RESIDENTIAL, INC., a corporation, and
FRANCISCO MONTERO, an individual

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THOMAS E. PEREZ, Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

TLC RESIDENTIAL, INC. a corporation, and
FRANCISCO MONTERO, an individual,

Defendants.

Case No. 15-cv-02776-WHA

**DECLARATION OF JULIE BENTO IN
SUPPORT OF DEFENDANTS TLC
RESIDENTIAL, INC. AND FRANCISCO
MONTERO'S MOTION FOR SUMMARY
JUDGMENT**

Date: September 22, 2016

Time: 8:00 a.m.

Ctrm.: 8 – 19th Floor

Judge: Hon. William H. Alsup

I, Julie Bento, declare:

1. I have been employed by TLC Residential, Inc. for eight years, first as a district manager, and for the last three years as Vice President of Operations. I make this Declaration based on my own personal knowledge. The matters that follow are true and correct.

2. I received a Bachelor of Science degree in Psychology from Burlington College in Burlington, Vermont in 2000, and a Master of Arts degree in Transpersonal Psychology from John F. Kennedy University in California in 2004.

3. Each of TLC's homes is managed by one household resident who volunteers to act as the house manager or "house parent." At some homes, another household resident may volunteer to provide management assistance, serving as an assistant house parent. Both such

1 volunteers are long-term residents of the household with leadership qualities and demonstrated
2 recovery.

3 4. TLC is the largest provider of sober living homes in California and operates 35
4 homes in Northern California.

5 5. TLC's homes are modeled after a traditional family. The residents live together as
6 a family unit to encourage, support, and assist one another to maintain sobriety and learn to live
7 without drugs or alcohol. The "house parents" provide leadership and oversight, which supports
8 and contributes to their own recovery, as well as that of the other "family" members.

9 6. Residents are required to take responsibility for themselves and to adhere to
10 certain standards including abstaining from addictive drugs and alcohol; participating in a 12 step
11 or other recovery program; attending twice-weekly evening house meetings; working with a
12 sponsor or counselor; fulfilling treatment commitments; accepting direction from the house
13 manager; paying fees on time; and completing assigned household chores.

14 7. The house parents are not employees of TLC. Rather, they voluntarily take on
15 additional responsibilities to support and further their own recovery and commitment to
16 maintaining sobriety. House parents spend approximately thirty to forty-five minutes per day
17 leading meetings, or attending to reports relating to meetings. House parents also assist with
18 discharges, and random drug testing; shop for household supplies. On occasion, they collect fees
19 and make deposits. Altogether, house parents spend approximately 17-18 hours per month in
20 connection with these responsibilities. In return for assuming these additional responsibilities,
21 TLC provides free housing to house parents, and gives the assistant house parents a 50% discount
22 on housing.

23 8. TLC's model is consistent with the practice of other sober living home providers.
24 Sober living homes offer residents the opportunity to volunteer as house parents to support their
25 own sobriety and that of their peers. This practice is crucial because it gives individuals with
26 substance abuse disorder a foundation from which they can recover and rebuild their lives.

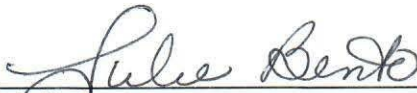
27 9. The previous owners of TLC owned and operated the company for over 20 years
28 before it was acquired by Mr. Montero in approximately 2010. Although TLC has made some

1 changes in the way the sober living homes are operated (for example, only requiring two house
2 meetings a week rather than five), the role of the house parents today is very similar to their role
3 under the prior owners, Joyce Young and Ed Young. That is, the house parents have always
4 volunteered to take on additional responsibilities for running the sober living homes.

5 10. TLC advises the house parents that they will be volunteers and will not be paid for
6 serving as house parents. I am not aware of any house parent asking to be paid for assuming
7 those additional responsibilities. Nor have I ever heard a house parent complain about not being
8 paid wages for serving as a house parent.

9 I declare under penalty of perjury under the laws of the United States of America that the
10 foregoing is true and correct.

11 Executed on this 25 day of July 2016, at
12 San Mateo, California.

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15 Julie Bento
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